

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

RONKE CIERS,

Plaintiff,

v

Case No: 2:20-cv-10516

Hon.:

HOME DEPOT USA, INC.,

Lower Court No. 20-001078-NO

Defendants.

PASCHAL E. C. UKPABI (P71187)
LAW ARENA PLLC
Attorney for Plaintiff
24123 Greenfield Rd., Ste. 309
Southfield, MI 48075
(248) 443-1218
Fax: (248) 433-1359
Paschal.lawyer@gmail.com

MARGARET A. CZUCHAJ (P74636)
PLUNKETT COONEY
Attorney for Defendant
38505 Woodward Ave., Ste. 2000
Bloomfield Hills, MI 48304
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mczuchaj@plunkettcooney.com

**NOTICE OF FILING REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

TO: United States District Court
Wayne County Circuit Court

PLEASE TAKE NOTICE that Defendant, HOME DEPOT USA, INC., through its attorneys, PLUNKETT COONEY, pursuant to 28 U.S.C. §1332, §1441, and §1446, hereby files this Notice of Removal of the above-captioned matter to the United States District Court, Eastern District of Michigan, Southern Division, from the Wayne County Circuit Court where the action is now pending, and states as follows:

BACKGROUND

On or about January 23, 2020, there was commenced, and is now pending in the Circuit Court for the County of Wayne, State of Michigan, a certain civil action bearing Civil Court Case No. 20-001078-NO, in which RONKE CIERS is the Plaintiff and HOME DEPOT USA, INC is the Defendant.

1. Plaintiff's lawsuit is a suit of common law of a civil nature, in which Plaintiff claims that Defendant was negligent in that it failed to stack its goods in a safe and proper manner; failed to warn invitees of such danger; and was in other respects negligent and careless, causing tiles to fall on Plaintiff's foot, "seriously injuring" Plaintiff thereby. Such injury allegedly resulted in:

- a. injuries to his leg and foot;
- b. mental anguish;
- c. loss of consortium;
- d. loss of enjoyment of life;
- e. loss of company;
- f. medical and other expenses; and
- g. "other injuries and damages".

(Exhibit 1 – Complaint).

2. As set forth in the Complaint filed on his behalf, Plaintiff has made a generalized demand alleged to be in excess of the state court jurisdictional limitation of Twenty Five Thousand Dollars (\$25,000.00).

3. However, based upon the nature and extent of injuries and damages allegedly sustained as well as representations by Plaintiff's counsel regarding the current, perceived value of Plaintiff's alleged damages and injuries, Plaintiff is, in reality, seeking to recover in excess of Seventy Five Thousand Dollars (\$75,000.00).

4. Moreover and again given the nature of a prior discussion with Plaintiff's counsel, Plaintiff is not agreeable at this time to stipulating to cap and/or otherwise limit the value of injuries and/or damages claimed to Seventy Five Thousand Dollars (\$75,000.00).

5. Thus, as things presently stand, this action involves a controversy with complete diversity of citizenship between citizens of different states and therefore, satisfies the requirement set forth in 27 USCA §1332. More specifically, Defendant affirmatively avers that:

a. The defendant for purposes of Plaintiff's lawsuit is HOME DEPOT USA, INC.,

b. Plaintiff was at all relevant times a resident and citizen of the State of Michigan, residing in Oakland County (Exhibit 1).

c. The Defendant HOME DEPOT USA, INC., was at the commencement of this action and now and ever since, has been a corporation duly created and organized by and under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

d. HOME DEPOT USA, INC., was not and is not a corporation created or organized under the laws of the State of Michigan and does not have its principal place of business in Michigan.

6. This action is therefore, a controversy between a citizen of the State of Michigan, as Plaintiff having complete diversity as to the proper Defendant HOME DEPOT USA, INC., involving an amount in controversy of more than \$75,000.00 over which the Federal District of the United States has jurisdiction (Exhibit 1 - Complaint).

7. Defendant has filed no pleadings in the Circuit Court for the County of Wayne, and no proceedings in said cause have taken place to date in the State Court in which the original Complaint was filed.

8. Defendant HOME DEPOT USA, INC.'s Resident Agent was served with the Summons and Complaint on January 30, 2020 via Certified Mail.

9. Accordingly, this Removal has been timely filed within thirty (30) days and remains fully proper pursuant to the statutes above cited for the reasons stated.

10. A copy of the written Notice of Filing of this Removal has been provided to Plaintiff through counsel as required by law and is also attached.

11. A true and correct copy of this Removal has been filed with the Wayne County Circuit Court as provided by law.

WHEREFORE Defendant HOME DEPOT USA, INC., respectfully requests this Honorable Court to effectuate removal of this civil action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

PLUNKETT COONEY

By: /s/ Margaret A. Czuchaj
MARGARET A. CZUCHAJ (P74636)
PLUNKETT COONEY, PC
Attorney for Defendant
38505 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48302
(248) 594-8674
mczuchaj@plunkettcooney.com

Dated: February 27, 2020

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

RONKE CIERS,

Plaintiff,

v

Case No: 2:20-cv-10516

Hon.:

HOME DEPOT USA, INC.,

Lower Court No. 20-001078-NO

Defendants.

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mczuchaj@plunkettcooney.com

NOTICE OF FILING REMOVAL

TO: Wayne County Circuit Court Clerk
Paschal E. C. Ukpabi, Attorney for Plaintiff

PLEASE TAKE NOTICE that Defendant, HOME DEPOT USA, INC., has this day filed its Notice of Removal, attached hereto, in the offices of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Room 564, Detroit, MI 48226.

PLUNKETT COONEY

By: /s/ Margaret A. Czuchaj
MARGARET A. CZUCHAJ (P74636)
PLUNKETT COONEY, PC
Attorney for Defendant
38505 Woodward Avenue, Suite 100
Bloomfield Hills, MI 48302
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CERTIFICATE OF SERVICE

Margaret A. Czuchaj, states that on February 27, 2020, he caused to be served a copy of the attached Notice of Filing Removal, Notice of Removal of Cause to The United States District Court for the Eastern District of Michigan, Southern Division, and this Certificate of Service upon the following:

PASCHAL E. C. UKPABI (P71187)
LAW ARENA PLLC
Attorney for Plaintiff
24123 Greenfield Rd., Ste. 309
Southfield, MI 48075
(248) 443-1218
Fax: (248) 433-1359
Paschal.lawyer@gmail.com

By: /s/Margaret A. Czuchaj
Margaret A. Czuchaj (P74636)